

ASSEMBLY BILL

No. 216

Introduced by Assembly Members Stone and Maienschein

January 31, 2013

An act to amend Section 51225.3 of, and to add Section 51225.1 to, the Education Code, relating to high school graduation requirements, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 216, as introduced, Stone. High school graduation requirements: pupils in foster care.

Existing law requires a pupil to complete specified courses while in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school. Existing law authorizes the governing board of a school district to adopt rules specifying additional coursework requirements.

Existing law requires a school district to exempt a pupil in foster care from all coursework and other requirements adopted by the governing board of the school district that are in addition to the statewide coursework requirements for graduation if the pupil, while he or she is in grade 11 or 12, transfers into the school district from another school district or between high schools within the school district, unless the school district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.

This bill would recast those provisions, and would, instead, require a school district to exempt a foster youth who transfers between schools any time after the completion of the pupils 2nd year of high school from all coursework and other requirements adopted by the governing board

of the school district that are in addition to the statewide coursework requirements, unless the school district makes a finding that the pupil is reasonably able to complete the requirements in time to graduate from high school by the end of the pupil's 4th year of high school. The bill would allow either the number of credits the pupil has earned to date or the length of the pupil's school enrollment to be used to determine whether a pupil is in the 3rd or 4th year of high school, whichever would qualify the pupil for the exemption. The bill would require the school district to notify, within 30 days of the transfer, a pupil who may qualify for the exemption and the person holding the right to make educational decisions for the pupil of the availability of the exemption and to inform them whether the pupil qualifies for the exemption. The bill would require the school district to notify the pupil, and the adult holding the right to make educational decisions for the pupil, of the effect the waived requirements will have on the pupil's ability to gain admission to postsecondary educational institutions. The bill would prohibit a school or school district from requiring or requesting that the pupil graduate before the end of his or her 4th year of high school if a pupil is exempted and completes the statewide coursework requirements before the end of his or her 4th year in high school and the pupil is otherwise entitled to remain in attendance at the school.

By requiring school districts to perform additional duties in complying with the exemption requirement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51225.1 is added to the Education Code,
2 to read:

3 51225.1. (a) Notwithstanding any other law, a school district
4 shall exempt a foster youth who transfers between schools any
5 time after the completion of the pupil's second year of high school
6 from all coursework and other requirements adopted by the
7 governing board of the school district that are in addition to the
8 statewide coursework requirements specified in Section 51225.3,
9 unless the school district makes a finding that the pupil is
10 reasonably able to complete the school district's graduation
11 requirements in time to graduate from high school by the end of
12 the pupil's fourth year of high school.

13 (b) To determine whether a pupil is in the third or fourth year
14 of high school, either the number of credits the pupil has earned
15 to the date of transfer or the length of the pupil's school enrollment
16 may be used, whichever will qualify the pupil for the exemption.

17 (c) Within 30 days of the date that a pupil who may qualify for
18 the exemption from local graduation requirements pursuant to this
19 section transfers into a school, the school district shall notify the
20 pupil and the adult holding the right to make educational decisions
21 for the pupil of the availability of the exemption and shall inform
22 the pupil and the adult holding the right to make educational
23 decisions for the pupil that the pupil qualifies or does not qualify
24 for an exemption.

25 (d) If a pupil is exempted from local graduation requirements
26 pursuant to this section and completes the statewide coursework
27 requirements specified in Section 51225.3 before the end of his or
28 her fourth year in high school and that pupil would otherwise be
29 entitled to remain in attendance at the school, a school or school
30 district shall not require or request that the pupil graduate before
31 the end of his or her fourth year of high school.

32 (e) If a pupil is exempted from local graduation requirements
33 pursuant to this section, the school district shall notify the pupil
34 and the adult holding the right to make educational decisions for
35 the pupil whether and how any of the requirements that are waived
36 will affect the pupil's ability to gain admission to a postsecondary
37 educational institution and shall provide information about transfer

1 opportunities available through the California Community
2 Colleges.

3 (f) If a pupil is exempted from local graduation requirements
4 pursuant to this section and that pupil would otherwise be entitled
5 to remain in attendance at the school, nothing in this section shall
6 be construed to require a pupil to accept the exemption, or to deny
7 a pupil enrollment in or the ability to complete courses for which
8 he or she is otherwise eligible, including courses necessary to
9 attend a four-year state university, regardless of whether those
10 courses are required for statewide graduation requirements.

11 (g) If a pupil is not exempted from local graduation requirements
12 pursuant to this section, a school district shall exempt the pupil at
13 any time if an exemption is requested and the pupil qualifies for
14 the exemption.

15 (h) If a pupil is exempted from local graduation requirements
16 pursuant to this section, a school district shall not revoke the
17 exemption.

18 SEC. 2. Section 51225.3 of the Education Code, as amended
19 by Section 3 of Chapter 621 of the Statutes of 2011, is amended
20 to read:

21 51225.3. (a) A pupil shall complete all of the following while
22 in grades 9 to 12, inclusive, in order to receive a diploma of
23 graduation from high school:

24 (1) At least the following numbers of courses in the subjects
25 specified, each course having a duration of one year, unless
26 otherwise specified:

27 (A) Three courses in English.

28 (B) Two courses in mathematics.

29 (C) Two courses in science, including biological and physical
30 sciences.

31 (D) Three courses in social studies, including United States
32 history and geography; world history, culture, and geography; a
33 one-semester course in American government and civics; and a
34 one-semester course in economics.

35 (E) One course in visual or performing arts, foreign language,
36 or, commencing with the 2012–13 school year, career technical
37 education.

38 (i) For purposes of satisfying the requirement specified in this
39 subparagraph, a course in American Sign Language shall be
40 deemed a course in foreign language.

1 (ii) For purposes of this subparagraph, “a course in career
2 technical education” means a course in a district-operated career
3 technical education program that is aligned to the career technical
4 model curriculum standards and framework adopted by the state
5 board, including courses through a regional occupational center
6 or program operated by a county superintendent of schools or
7 pursuant to a joint powers agreement.

8 (iii) This subparagraph does not require a school or school
9 district that currently does not offer career technical education
10 courses to start new career technical education programs for
11 purposes of this section.

12 (iv) If a school district or county office of education elects to
13 allow a career technical education course to satisfy the requirement
14 imposed by this subparagraph, the governing board of the school
15 district or county office of education, ~~prior to~~ *before* offering that
16 alternative to pupils, shall notify parents, teachers, pupils, and the
17 public at a regularly scheduled meeting of the governing board of
18 all of the following:

19 (I) The intent to offer career technical education courses to fulfill
20 the graduation requirement specified in this subparagraph.

21 (II) The impact that offering career technical education courses,
22 pursuant to this subparagraph, will have on the availability of
23 courses that meet the eligibility requirements for admission to the
24 California State University and the University of California, and
25 whether the career technical education courses to be offered
26 pursuant to this subparagraph are approved to satisfy those
27 eligibility requirements. If a school district elects to allow a career
28 technical education course to satisfy the requirement imposed by
29 this subparagraph, the school district shall comply with subdivision
30 (m) of Section 48980.

31 (III) The distinction, if any, between the high school graduation
32 requirements of the school district or county office of education,
33 and the eligibility requirements for admission to the California
34 State University and the University of California.

35 (F) Two courses in physical education, unless the pupil has been
36 exempted pursuant to the provisions of this code.

37 (2) Other coursework requirements adopted by the governing
38 board of the school district.

39 (b) The governing board, with the active involvement of parents,
40 administrators, teachers, and pupils, shall adopt alternative means

1 for pupils to complete the prescribed course of study that may
2 include practical demonstration of skills and competencies,
3 supervised work experience or other outside school experience,
4 career technical education classes offered in high schools, courses
5 offered by regional occupational centers or programs,
6 interdisciplinary study, independent study, and credit earned at a
7 postsecondary *educational* institution. Requirements for graduation
8 and specified alternative modes for completing the prescribed
9 course of study shall be made available to pupils, parents, and the
10 public.

11 ~~(e) Notwithstanding any other law, a school district shall exempt~~
12 ~~a pupil in foster care from all coursework and other requirements~~
13 ~~adopted by the governing board of the district that are in addition~~
14 ~~to the statewide coursework requirements specified in this section~~
15 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
16 ~~district from another school district or between high schools within~~
17 ~~the district, unless the district makes a finding that the pupil is~~
18 ~~reasonably able to complete the additional requirements in time~~
19 ~~to graduate from high school while he or she remains eligible for~~
20 ~~foster care benefits pursuant to state law. A school district shall~~
21 ~~notify a pupil in foster care who is granted an exemption pursuant~~
22 ~~to this subdivision, and, as appropriate, the person holding the~~
23 ~~right to make educational decisions for the pupil, if any of the~~
24 ~~requirements that are waived will affect the pupil's ability to gain~~
25 ~~admission to a postsecondary educational institution and shall~~
26 ~~provide information about transfer opportunities available through~~
27 ~~the California Community Colleges.~~

28 ~~-(d)~~

29 (c) On or before July 1, 2017, the department shall submit a
30 comprehensive report to the appropriate policy committees of the
31 Legislature on the addition of career technical education courses
32 to satisfy the requirement specified in subparagraph (E) of
33 paragraph (1) of subdivision (a), including, but not limited to, the
34 following information:

35 (1) A comparison of the pupil enrollment in career technical
36 education courses, foreign language courses, and visual and
37 performing arts courses for the 2005–06 to 2011–12 school years,
38 inclusive, to the pupil enrollment in career technical education
39 courses, foreign language courses, and visual and performing arts
40 courses for the 2012–13 to 2016–17 school years, inclusive.

1 (2) The reasons, reported by school districts, that pupils give
2 for choosing to enroll in a career technical education course to
3 satisfy the requirement specified in subparagraph (E) of paragraph
4 (1) of subdivision (a).

5 (3) The type and number of career technical education courses
6 that were conducted for the 2005–06 to 2011–12 school years,
7 inclusive, compared to the type and number of career technical
8 education courses that were conducted for the 2012–13 to 2016–17
9 school years, inclusive.

10 (4) The number of career technical education courses that
11 satisfied the subject matter requirements for admission to the
12 University of California or the California State University.

13 (5) The extent to which the career technical education courses
14 chosen by pupils are aligned with the California Career Technical
15 Education Standards, and prepare pupils for employment, advanced
16 training, and postsecondary education.

17 (6) The number of career technical education courses that also
18 satisfy the visual and performing arts requirement, and the number
19 of career technical education courses that also satisfy the foreign
20 language requirement.

21 (7) Annual pupil dropout and graduation rates for the 2011–12
22 to 2014–15 school years, inclusive.

23 ~~-(e)~~

24 (d) For purposes of completing the report described in
25 subdivision ~~-(d)~~; (c), the Superintendent may use existing state
26 resources and federal funds. If state or federal funds are not
27 available or sufficient, the Superintendent may apply for and accept
28 grants, and receive donations and other financial support from
29 public or private sources for purposes of this section.

30 ~~-(f)~~

31 (e) For purposes of completing the report described in
32 subdivision ~~-(d)~~; (c), the Superintendent may accept support,
33 including, but not limited to, financial and technical support, from
34 high school reform advocates, teachers, chamber organizations,
35 industry representatives, research centers, parents, and pupils.

36 ~~-(g)~~

37 (f) This section shall become inoperative on the earlier of the
38 following two dates:

39 (1) On July 1, immediately following the first fiscal year after
40 the enactment of the act that adds this paragraph in which the

1 number of career technical education courses that, as determined
2 by the department, satisfy the foreign language requirement for
3 admission to the California State University and the University of
4 California is at least twice the number of career technical education
5 courses that meet these admission requirements as of January 1,
6 2012. This section shall be repealed on the following January 1,
7 unless a later enacted statute, that becomes operative on or before
8 that date, deletes or extends the dates on which it becomes
9 inoperative and is repealed. It is the intent of the Legislature that
10 new career technical education courses that satisfy the foreign
11 language requirement for admission to the California State
12 University and the University of California focus on world
13 languages aligned with career preparation, emphasizing real-world
14 application and technical content in related career and technical
15 education courses.

16 (2) On July 1, 2017, and, as of January 1, 2018, is repealed,
17 unless a later enacted statute, that becomes operative on or before
18 January 1, 2018, deletes or extends the dates on which it becomes
19 inoperative and is repealed.

20 SEC. 3. Section 51225.3 of the Education Code, as added by
21 Section 4 of Chapter 621 of the Statutes of 2011, is amended to
22 read:

23 51225.3. (a) A pupil shall complete all of the following while
24 in grades 9 to 12, inclusive, in order to receive a diploma of
25 graduation from high school:

26 (1) At least the following numbers of courses in the subjects
27 specified, each course having a duration of one year, unless
28 otherwise specified:

29 (A) Three courses in English.

30 (B) Two courses in mathematics.

31 (C) Two courses in science, including biological and physical
32 sciences.

33 (D) Three courses in social studies, including United States
34 history and geography; world history, culture, and geography; a
35 one-semester course in American government and civics; and a
36 one-semester course in economics.

37 (E) One course in visual or performing arts or foreign language.
38 For purposes of satisfying the requirement specified in this
39 subparagraph, a course in American Sign Language shall be
40 deemed a course in foreign language.

1 (F) Two courses in physical education, unless the pupil has been
2 exempted pursuant to the provisions of this code.

3 (2) Other coursework requirements adopted by the governing
4 board of the school district.

5 (b) The governing board, with the active involvement of parents,
6 administrators, teachers, and pupils, shall adopt alternative means
7 for pupils to complete the prescribed course of study that may
8 include practical demonstration of skills and competencies,
9 supervised work experience or other outside school experience,
10 career technical education classes offered in high schools, courses
11 offered by regional occupational centers or programs,
12 interdisciplinary study, independent study, and credit earned at a
13 postsecondary institution. Requirements for graduation and
14 specified alternative modes for completing the prescribed course
15 of study shall be made available to pupils, parents, and the public.

16 ~~(c) Notwithstanding any other law, a school district shall exempt~~
17 ~~a pupil in foster care from all coursework and other requirements~~
18 ~~adopted by the governing board of the district that are in addition~~
19 ~~to the statewide coursework requirements specified in this section~~
20 ~~if the pupil, while he or she is in grade 11 or 12, transfers into the~~
21 ~~district from another school district or between high schools within~~
22 ~~the district, unless the district makes a finding that the pupil is~~
23 ~~reasonably able to complete the additional requirements in time~~
24 ~~to graduate from high school while he or she remains eligible for~~
25 ~~foster care benefits pursuant to state law. A school district shall~~
26 ~~notify a pupil in foster care who is granted an exemption pursuant~~
27 ~~to this subdivision, and, as appropriate, the person holding the~~
28 ~~right to make educational decisions for the pupil, if any of the~~
29 ~~requirements that are waived will affect the pupil's ability to gain~~
30 ~~admission to a postsecondary educational institution and shall~~
31 ~~provide information about transfer opportunities available through~~
32 ~~the California Community Colleges.~~

33 ~~-(d)~~

34 (c) If a pupil completed a career technical education course
35 that met the requirements of subparagraph (E) of paragraph (1) of
36 subdivision (a) of Section 51225.3, as amended by the act adding
37 this section, ~~prior to~~ *before* the inoperative date of that section,
38 that course shall be deemed to fulfill the requirements of
39 subparagraph (E) of paragraph (1) of subdivision (a) of this section.

40 ~~-(e)~~

1 (d) This section shall become operative upon the date that
2 Section 51225.3, as amended by the act adding this section,
3 becomes inoperative.

4 SEC. 4. If the Commission on State Mandates determines
5 that this act contains costs mandated by the state, reimbursement
6 to local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

9 SEC. 5. This act is an urgency statute necessary for the
10 immediate preservation of the public peace, health, or safety within
11 the meaning of Article IV of the Constitution and shall go into
12 immediate effect. The facts constituting the necessity are:

13 In order to ensure that pupils in foster care who are eligible for
14 foster care benefits are eligible to graduate from high school in
15 the 2012–13 academic year, it is necessary for this act to take effect
16 immediately.